UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC.,	CASE NO. 3:08-CV-01641 EDL
Plaintiff/Counterdefendant,	**STIPULATED ADDENDUM TO PROTECTIVE ORDER**
v.	
NETWORK APPLIANCE, INC.,	
Defendant/Counterplaintiff.	

Defendant Network Appliance, Inc. ("Defendant") and Plaintiff Sun Microsystems, Inc. ("Plaintiff") hereby stipulate to the following Addendum to the Protective Order ("Protective Order") in this action for the protection of "Highly Confidential" (as defined in Paragraph 9 of the Protective Order) documents of non-party Symantec, whether produced or disclosed by Symantec or by any party or third party, which may be revealed in connection with this action ("Symantec Confidential Information").

WHEREAS, Symantec is not a party to this litigation; and

WHEREAS Symantec wishes to protect all Symantec Confidential Information (including Veritas Confidential Information) which may be disclosed in this action by Symantec or by any party or third party;

The parties and Symantec agree and stipulate to the following Addendum to the Protective Order ("Addendum"):

1.   Notwithstanding paragraph 10 of the Protective Order permitting access to "Highly Confidential" documents to designated in-house counsel, materials designated "Attorneys' Eyes Only-Non Party Symantec" may only be disclosed to: (1) the court, jury, and court personnel; (2) outside counsel of record for the parties to this action, which category is limited to Weil, Gotshal and Manges LLP on behalf of Defendant and DLA Piper LLP US on behalf of Plaintiff, including the partners, associates and employees of these firms; (3) non-party

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consultants and experts (as defined in paragraph 10(d) of the Protective Order) actually retained

or employed by outside counsel of record to advise or to assist counsel in the preparation and/or

trial of this action to the extent reasonably necessary to advise or to assist counsel in the

preparation and/or trial of this action; and (4) outside vendors that provide photocopying,

document processing, translation or graphics services to outside counsel to assist such counsel in

the preparation and trial of this action.

2.   In the event that a party plans to disclose Symantec Confidential Information to an

expert (as defined by Paragraph 10(d) of the Protective Order), the party proposing such

disclosure shall, at least seven (7) business days prior to such disclosure, provide notice to

Symantec. If Symantec objects to the disclosure of Symantec Confidential Information to the

expert, Symantec will serve a written objection within five (5) business days of receipt of the

information set forth above, which objection shall state the basis for Symantec's objection.

Symantec and the party proposing disclosure shall confer in an attempt to resolve the objection.

If Symantec and the party proposing disclosure are not able to resolve the objection, Symantec

may file a motion in support of its objection within five (5) business days after such conference.

If no motion is filed, Symantec shall be deemed to have withdrawn its objection. In any motion

pursuant to this paragraph, Symantec shall bear the burden of proof of establishing that the expert

should not have access to the Symantec Confidential Information. No disclosure of Symantec

Confidential Information shall be made to the proposed expert until Symantec and the party

proposing disclosure resolve the matter, the objection is withdrawn, or the Court permits such

disclosure.

3.   Notwithstanding any contrary provision of the Protective Order, in the event that a

party wishes to elicit testimony or use or disclose documents or transcripts at trial, hearing or any

other proceeding which contain or refer to Symantec Confidential Information, the party shall

request (i) that the Symantec Confidential Information be filed under seal, (ii) that the portions of

the record of any proceeding containing Symantec Confidential Information be sealed; (iii) that

persons other than outside counsel of record in this action (expressly excluding an in-house

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counsel of the parties), outside consultants and experts (as defined by Paragraph 10(d) of the

Protective Order), court personnel, jurors, and court reporters be excluded from the proceedings

during the disclosure of Symantec Confidential Information.

4.   The party planning to use or disclose Symantec Confidential Information during

trial, hearing or other proceeding shall provide written notice to Symantec of such intent at least

seven (7) business days prior to the proceeding. Such notice shall be served on counsel for

Symantec, at David Majors, Esq., Sr. Corporate Counsel, Intellectual Property Legal Department

Symantec Corporation, 350 Ellis Street, Mountain View, CA 94043.

5.   Notwithstanding any contrary provisions of the Protective Order, Symantec

Confidential Information shall be used solely in preparation for the trial and/or appeal of the

above-identified action. Symantec Confidential Information shall not be used or disclosed at any

other time or for any other purpose whatsoever.

6.   Subject to the foregoing additional restrictions and limitations, Symantec

Confidential Information shall be subject to the remaining terms of the original Protective Order

in this case.

IT IS SO STIPULATED.

Dated: October 7, 2009   Dated: October 7, 2009

By /s/ *Azra M. Hadzimehmedovic*   By /s/ *Carrie L. Williamson*
   MATT POWERS   MARK D. FOWLER
   EDWARD R. REINES   DAVID ALBERTI
   JEFFREY G. HOMRIG   CHRISTINE K. CORBETT
   JILL J. HO   YAKOV M. ZOLOTOREV
   WEIL, GOTSHAL & MANGES LLP   CARRIE L. WILLIAMSON
   Attorneys for Defendant   Attorneys for Plaintiff,
   Network Appliance, Inc.   Sun Microsystems, Inc.

Counsel for Defendant   Counsel for Plaintiff

IT IS SO ORDERED.

Dated: October__13__, 2009   _____
                                   ELIZABETH D. LAPORTE
                                   United States Magistrate Judge

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